

Appl. No. 10/709,662  
Amdt. dated August 21, 2007  
Reply to Office action of July 23, 2007

**Amendments to the Drawings**

The attached sheets of drawings include changes made to Fig. 5 and Fig. 9 respectively. One sheet, which includes Fig. 5, replaces the original sheet including Fig. 1. The other sheet, which includes Fig. 9, replaces the original sheet including Fig. 9.

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Attachment:      Replacement Sheet      2 pages

**REMARKS**

**1. Amendments to the Specification**

As stated in specification paragraph [0062], the image data is re-encoded using an updated quantization level parameter when the 5 remaining space in the flash memory is not large enough to store the encoded image. Therefore, the specification paragraph [0042] has been amended to correct certain editorial errors.

No new matter is introduced. Consideration of above-identified specification amendments is respectfully requested.

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**2. Amendments to the Drawings**

The text in the block labeled '132' of Fig. 5 and Fig. 9 has been amended due to above amendments made to specification paragraph [0042]. Additionally, the flow control indicators 'Yes' and 'No' of the block 15 labeled '132' in Fig. 5 and Fig. 9 have been corrected.

As no new matter is introduced, consideration of above-identified drawing amendments is respectfully requested.

**3. Election/Restrictions**

20 This application contains claims directed to the following patentably distinct species: the species of figures 3-7 and the species of figures 7-11. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the 25 current record.

**Response:**

Applicant hereby elects the species of figures 3-7 in response to the

above restriction requirement. The claims readable upon the elected species are claims 1–15. Claims 16-29 are therefore withdrawn without prejudice or disclaimer to the merits thereof. No new claims are added.

5    **4. Request for reconsideration of the restriction requirement per 37 CFR 1.143.**

10    Examiner states that the species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. The applicant disagrees. Applicant believes that the present application does not need a species election.

15    As stated in specification paragraph [0067] of applicant's disclosure, the difference between this embodiment and the above-mentioned first embodiment is that the steps 158-164 replace the steps 122-124, **with the other steps being the same**. Regarding the first embodiment of applicant's disclosure, steps 122-124 are executed to select a desired image data from a plurality of image data corresponding to a dynamic image file (Fig. 4 and specification paragraphs [0055] and [0056]). As to the second embodiment of applicant's disclosure, steps 162 and 164 are executed to select a desired image data from a plurality of image data corresponding to a dynamic image file if the displayed image data has a dynamic image type, and step 160 is executed to select the static image data as the desired image data if the displayed image data has a static image type (Fig. 8 and specification paragraph [0072]). It is readily appreciated that steps 122-124 and steps 162-164 have the same operation for selecting a desired image data from a dynamic image file. Compared with the first embodiment of applicant's disclosure, the second embodiment further supports selecting the static image data as the desired image data. The applicant therefore believes that claims 1-15 and 16-29, directed to different species, do not recite mutually exclusive limitations. In other words, **the species are not mutually exclusive**. Furthermore, with

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reference to specification paragraph [0075], the applicant respectfully notes that both embodiments obey the same spirit of selecting an image from a group of sequential images and storing miscellaneous data and display parameters. There is no conflict between these species based on the 5 reasons described above. Therefore, the applicant believes that species corresponding to first and second embodiments of the present application should be grouped together and should not be patentably distinct.

Additionally, as both species obey the same spirit of the present invention and are not mutually exclusive, the applicant asserts that the 10 classification and the field of search must be the same for both species. In short, **there would not be a serious examination and search burden on the examiner** as the prior art applicable to one species would likely be applicable to the other species.

In light of above reasons, withdrawal of this species restriction 15 requirement is hereby requested.

Sincerely yours,

Winston Hsu

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